

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KIRK D. ROBINSON,

Plaintiff,

vs.

DR. CASTLEMAN, DR. BRANK, and
BRYAN HEALTH SYSTEMS,

Defendants.

8:23-CV-451

MEMORANDUM AND ORDER

This matter is before the court on the plaintiff's Motion to Proceed in Forma Pauperis ([filing 7](#)), and Motion for a Change of Venue ([filing 10](#)). Because Plaintiff paid the \$402.00 filing and administrative fees in full on October 20, 2023, the plaintiff's IFP motion is denied as moot. For the reasons that follow, the plaintiff's Motion for a Change of Venue is also denied.

The plaintiff asks that this "case be moved to a completely different circuit altogether" as "this is the only way to ensure . . . that he gets a fair, unbiased and impartial hearing in a court of law." [Filing 10](#). The plaintiff's basis for his motion is his pending suit against Inactive Senior Judge Richard Kopf and Senior Judge Joseph Bataillon of this court. See [filing 6](#), Case No. 8:23-CV-452.

Venue is generally governed by [28 U.S.C. § 1391](#), which "govern[s] the venue of all civil actions brought in district courts of the United States" and provides, in pertinent part, that:

(b) Venue in general.—A civil action may be brought in—

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

[28 U.S.C. § 1391\(b\)](#).

Here, the plaintiff sues the medical director and a medical doctor with the Nebraska Department of Correctional Services and a medical services contractor based in Lincoln, Nebraska for claims arising out of the defendants' medical treatment of Plaintiff at the Reception and Treatment Center in Lincoln, Nebraska. [Filing 1 at 2–3, 12](#). Venue is clearly proper in the District of Nebraska as the defendants are located in this district and the events that are the subject of the Complaint occurred here. As such, the Court finds that a change in venue is not warranted.

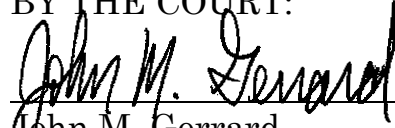
To the extent the plaintiff's motion seeks to have his case considered by a different judge other than Judge Bataillon, such request is now moot as Judge Bataillon recused himself from this matter, as well as the plaintiff's other pending cases, because the plaintiff named Judge Bataillon as a defendant in Case No. 8:23-CV-452. *See* [filing 11](#). This matter has been reassigned to the undersigned and will progress accordingly.

IT IS ORDERED:

1. Plaintiff's Motion to Proceed in Forma Pauperis ([filing 7](#)) is denied as moot.
2. Plaintiff's Motion for a Change of Venue ([filing 10](#)) is denied.
3. Plaintiff is advised that the next step in Plaintiff's case will be for the Court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2). The Court will conduct this initial review in its normal course of business.

Dated this 19th day of December, 2023.

BY THE COURT:



John M. Gerrard
Senior United States District Judge